

After You Get Hurt on the Job



Report the injury to your employer

Tell your supervisor right away. If your injury or illness developed gradually (like tendinitis or hearing loss), report it as soon as you learn it was caused by your job. Reporting promptly helps prevent problems and delays in receiving benefits, including medical care you may need to avoid further injury.



Get emergency treatment if needed

If it's a medical emergency, go to an emergency room right away. Your employer may tell you where to go for treatment. Tell the health care provider who treats you that your injury or illness is job-related.



Fill out a claim form and give it to your employer

Your employer must give you a **claim form** within one working day after learning about your injury or illness. You use it to request workers' compensation benefits.

Fill out and sign the "employee" portion of the claim form. Describe your injury completely. Include every part of your body affected by the injury. Give the form to your employer, which is called **filing** the claim form. Do this right away to avoid possible problems with your claim.



Get good medical care

Get good medical care to help you recover. You should be treated by a doctor who understands your particular type of injury or illness. Tell the doctor about your symptoms and the events at work that you believe caused them. Also describe your job and your work environment.



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Questions & Answers

Q. *What happens after I file the claim form?*

A. Your employer must fill out and sign the “employer” portion of the form and give the completed form to a **claims administrator**. (This person handles claims for your employer and usually works for your employer’s insurance company.)

Your employer must give you a copy of the completed form within one working day after you filed it. Keep this copy.

The claims administrator usually must decide within 90 days whether to accept or deny your claim.

Accepting the claim means the claims administrator agrees your injury is covered by workers’ compensation. If your claim is accepted, you will receive paid medical care for your injury. You may also be eligible for payments to help make up for lost wages. For information on these payments, get the factsheet “Temporary Disability Benefits” (listed on page 8).

Denying the claim means the claims administrator believes your injury is not covered by workers’ compensation. If the claims administrator sends you a letter denying your claim, you have a right to challenge the decision. Don’t delay, because there are *deadlines* for filing the necessary papers. To get help, see page 6.

Q. *Can I choose the doctor who will treat me for my job injury?*

A. It depends on whether you **predesignated** your personal physician. This means that before you were injured, you gave your employer the name and address of your personal physician in writing. For more information, get the factsheet “What Every Worker Should Know” (listed on page 8).

If you predesignated:

You may see your personal physician for treatment right after you are injured, and you may switch doctors later if necessary. (But if the claims administrator hasn’t accepted your claim, see the first Q&A on page 4.) If you gave your employer the name of your personal chiropractor in writing before you were injured, you may *switch* to your chiropractor upon request.

If you didn’t predesignate:

The claims administrator is usually allowed to choose the doctor who treats you during the first 30 days after your employer learns about your injury or illness. (See pages 3–4 for exceptions.)

After 30 days, you are allowed to switch to a doctor of your choice if you still need medical care.

Some employers have contracts with state-certified **health care organizations (HCOs)** to treat workers hurt on the job. If your

employer has this kind of contract, there are different rules on choosing medical care. Your employer must give you written information about those rules.

Switching to another treating doctor:

In some situations (as explained above), you have a right to switch doctors. The rules on who can treat you depend on your date of injury and the type of injury you have. For example, the new treating doctor can be a medical doctor, osteopath, psychologist, acupuncturist, optometrist, dentist, podiatrist, or chiropractor. (If you have questions about this, see page 6.)

You or your new treating doctor must give the claims administrator the doctor's name and address. This allows the claims administrator to

obtain medical reports and pay for your medical care. You may switch again if necessary.

Q. *I don't like the medical care I'm getting. Is there any way I can switch to a different doctor in the first 30 days?*

A. If you did not predesignate, speak with your employer or the claims administrator and see if they will agree to a new doctor of your choice. If agreement is not possible, you still have a right to change doctors one time during the first 30 days. Usually the claims administrator is allowed to choose the new doctor.

Sometimes employers lose the right to choose who will treat an injured worker, even if the worker

The Choice of Doctor Is Important!

Your treating doctor:

- ◆ Decides what type of medical care you'll get for your job injury or illness.
- ◆ Helps identify the kinds of work you can do safely while recovering.
- ◆ Determines when you can return to work.
- ◆ Refers you to specialists if necessary.
- ◆ Writes medical reports that will affect the benefits you receive.



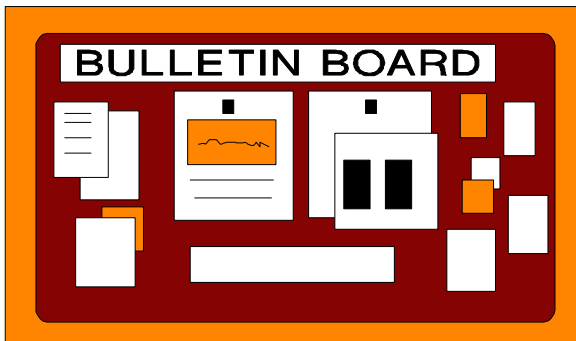
Because the treating doctor plays such an important role, you should be seen by a doctor who knows how to treat your type of injury or illness and who understands the workers' compensation system.

did not predesignate. You can see a doctor of your choice in the first 30 days if your employer:

- Didn't post required information about your workers' compensation rights; *or*
- Didn't tell you about your right to predesignate your personal physician; *or*
- Sends you to treatment that is completely inadequate; *or*
- Refuses to provide necessary medical care.

If you believe any of these applies to you, see page 6.

Did You Know?



Your employer is required to post information about your workers' compensation rights, including the right to predesignate your personal physician in case of job injury.

Q. *The claims administrator hasn't accepted or denied my claim yet, but I need medical care for my injury now. What can I do?*

A. Sometimes an employer will pay for medical care even before a claim is accepted. Ask your supervisor or someone else in management whether your employer will pay for medical care now.

If your employer won't pay, use your own health insurance to get medical care. Your health insurer will be paid later if your injury is covered by workers' compensation.

If you don't have health insurance, try to find a doctor, clinic, or hospital that will treat you without immediate payment. They will be paid later if your injury is covered by workers' compensation.

If you need help, see page 6.

Q. *Who decides what type of work I can do while recovering?*

A. Your treating doctor is responsible for telling your employer:

- What kind of work you can and can't do while recovering
- What changes are needed in your work schedule or assignments.

You, your treating doctor, and your employer should review your job description and discuss the changes needed in your job. For example,

your employer might give you a reduced work schedule or have someone else do heavy lifting.

If you disagree with your treating doctor, you must promptly write to the claims administrator about the disagreement or you may lose important rights.

If you have questions or need help, see page 6.

group health insurance, long term disability insurance (LTD), and salary continuation plans.

- Payments if your injury was caused by someone other than your employer.

To learn more about these other benefits, get the factsheet “For More Information” (listed on page 8).

Q. *It's been more than 90 days since I filed a claim form, and I have not heard from the claims administrator. Does this mean my claim is accepted?*

A. If the claims administrator doesn't send you a letter denying your claim within 90 days after you filed the form, your claim is considered accepted in most cases.

If you have questions about this, see page 6.

Q. *Besides workers' compensation benefits, can I get any other financial assistance?*

A. Other benefits may be available. These include:

- Benefits paid by state and federal governments, such as State Disability Insurance (SDI), unemployment insurance, and Social Security Disability Insurance (SSDI) payments.
- Benefits offered by employers and unions, such as sick leave,

Q. *I filed a claim and I'm afraid I might be fired. Can my employer fire me?*

A. It's illegal for your employer to punish or fire you for having a job injury, or for filing a workers' compensation claim when hurt on the job. The **California Labor Code (section 132a)** prohibits this kind of discrimination.

It's also illegal for your employer to discriminate against you because of a serious disability. The federal **Americans With Disabilities Act (ADA)** and the California **Fair Employment and Housing Act (FEHA)** prohibit this.

The federal **Family and Medical Leave Act (FMLA)** says that an employer with 50 or more employees usually must let you take unpaid leave for 12 weeks if you need time off for a serious medical condition.

If you feel your job is threatened, find someone who can help. Get the factsheet “For More Information” (listed on page 8). Note that there are *deadlines* for taking legal action.

KEEP YOUR CLAIM ON TRACK

Some injured workers get their benefits quickly, with no trouble at all. Others face problems and delays. This page gives tips on how to take charge of your case and make sure your rights are protected.

Whether or not you have a problem:

- ◆ **Keep good records.** You will probably fill out and receive many forms and other papers. Keep copies of *everything*, including envelopes showing postmarks!
 - Keep notes of all discussions you have with the people involved in your claim.
 - Keep track of your medical condition and how it affects your ability to work.
 - Request in writing that the claims administrator give you copies of all medical reports and other documents.
 - Save pay stubs and time sheets showing your income, the dates you worked, and when you were off work.
 - Keep records of any out-of-pocket expenses that workers' compensation could cover (like prescriptions or travel costs to medical appointments).
- ◆ **Learn more about workers' compensation.** The laws and procedures in workers' compensation are complicated. What applies to another injured worker may not apply to you. Learn what your rights are, and don't be afraid to ask questions. To get the factsheet "For More Information," see page 8.

If you have a concern, speak up. See whether **your employer** or **the claims administrator** can agree to resolve the problem. If this doesn't work, don't delay getting help. Try the following:

- ◆ **Contact an Information & Assistance officer.** State I&A officers answer questions and help injured workers. They may provide information and forms and help resolve problems with your claim. They hold workshops around the state. To contact a local office, see page 7 or check the Government Pages at the front of the white pages of your phone book. Look under: State Government Offices/Industrial Relations/Workers' Compensation.
- ◆ **Consult an attorney.** Lawyers who specialize in helping injured workers with their workers' compensation claims are called **applicants' attorneys**. Their job is to plan a strategy for your case, gather information to support your claim, keep track of deadlines, and represent you in hearings before a **Referee** (workers' compensation judge) of the **Workers' Compensation Appeals Board**. Most attorneys offer one free consultation. If you hire an attorney, the attorney's fee will be taken out of benefits that you receive later. A Referee must approve the fee. For names of applicants' attorneys, call the State Bar (☎ 1-415-241-2100), a local bar association, or the California Applicants' Attorneys Association (☎ 1-800-459-1400).
- ◆ **Contact your union.** Your union may be able to help resolve problems, tell you about other benefits, negotiate changes needed in your job, and protect you from job discrimination.
- ◆ **Represent yourself.** If you can't get help from the above resources, you can prepare your own case and request a hearing before a Referee. For instructions, contact an Information & Assistance officer (see above).

State Division of Workers' Compensation (DWC) Information & Assistance Offices

State Information & Assistance (I&A) officers answer questions and help injured workers. Their services are free.



◆ **Toll-Free: 1-800-736-7401**

Call this number to hear recorded messages.

◆ **District Offices:** (For addresses, check the Government Pages at the front of the white pages of your phone book. Look under: State Government Offices/ Industrial Relations/Workers' Compensation.)

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|----------------------------------|------------------------------------|----------------------------------|
| • Anaheim
1-714-738-4038 | • Riverside
1-909-782-4347 | • Santa Rosa
1-707-576-2452 |
| • Bakersfield
1-805-395-2514 | • Sacramento
1-916-263-2741 | • Stockton
1-209-463-6201 |
| • Eureka
1-707-441-5723 | • Salinas
1-408-443-3058 | • Van Nuys
1-818-901-5374 |
| • Fresno
1-209-445-5355 | • San Bernardino
1-909-383-4522 | • Ventura
1-805-654-4701 |
| • Grover Beach
1-805-481-3296 | • San Diego
1-619-525-4589 | • Walnut Creek
1-510-977-8343 |
| • Long Beach
1-562-590-5240 | • San Francisco
1-415-557-1954 | |
| • Los Angeles
1-213-897-1446 | • San Jose
1-408-277-1292 | |
| • Oakland
1-510-286-1358 | • Santa Ana
1-714-558-4597 | |
| • Pomona
1-909-623-8568 | • Santa Barbara
1-805-966-9872 | |
| • Redding
1-916-225-2047 | • Santa Monica
1-310-452-1188 | |

For more information, contact: *(distributor's name and phone)*

This is one of a series of factsheets, which include:

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- What Every Worker Should Know (#1)
(workers' compensation benefits and choosing a doctor in case you are hurt on the job)
- Temporary Disability Benefits (#3A)
(payments while you are recovering from a job injury or illness)
- Permanent Disability Benefits (#3B)
(medical reports, ratings, payments, and settlement)
- For More Information (#4)
(written materials, places to seek help with your claim, and other types of assistance)
- Hurt on the Job? Information Alert for Teens
(Factsheet for Young Workers)

To obtain these factsheets, contact the state Division of Workers' Compensation. Call toll-free ☎ 1-800-736-7401, or check the Government Pages at the front of the white pages of your phone book and look up: State Government Offices/Industrial Relations/Workers' Compensation/Information & Assistance. To view the factsheets, go to the following Web site (many public libraries provide access to the Web): **www.dir.ca.gov**. Through this Web site, link to: Commission on Health and Safety and Workers' Compensation.

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The information in this factsheet is true in most situations. However, some **rules, exceptions, and deadlines** not covered here may apply to you and affect your case. To learn more, see the factsheet For More Information.

The information here describes the California workers' compensation system as of January 1998. It applies to most private, state, and local government employees whose "date of injury" is 1994 or later.